

DUNCAN J. McNEIL, III
2030 W. SPOFFORD
SPRINGFIELD 99205

MO: FJA-D04
DATE: 5/5/06
FJ- KA-02

MAY 10 2006

U. S. DISTRICT COURT

DISTRICT OF DELAWARE

DUNCAN J. McNEIL, III
INDIGENT DISABLED
UNLAWFULLY INCARCERATED
"CIVIL DETAINEE", PLAINTIFF,
APPELLANT AND
JUDGMENT CREDITOR

v.

UNITED STATES ETAL.
DEFENDANTS, APPELLEES
AND JUDGMENT DEBTORS

CASE NO:

05-CV-574
06-CV-178
06-MC-041

AMMENDED NOTICE
OF APPEAL - IFP
APPLICATION ON APPEAL
(SEE PGS 26 OF 42 TO
40 OF 43 ATTACHED) AND
INCORPORATING PLRA
MOTION FILED 12/5/05 IN
USCA, PGS 1 OF 50 TO
50 OF 50

THE UNDERSIGNED INDIGENT DISABLED
UNLAWFULLY INCARCERATED "CIVIL DETAINEE"
PLAINTIFF AND APPELLANT AND JUDGMENT
CREDITOR. HEREBY AMENDS AND SUPPLEMENTS
HIS PRIOR NOTICE(S) OF APPEAL FILED IN THIS
MATTER TO INCLUDE THE APPEAL ~~AND~~
REVIEW AND REVERSAL OF THE ORDER
ENTERED IN THIS MATTER DATED OF 4/27/06
LETTER DECISION
REJECTING & DENYING ATTACHED PLEADING FILED 4/20/06
I HEREBY CERTIFY UNDER THE PENALTY
OF PERJURY THAT THIS AMENDED NOTICE
OF APPEAL WAS FILED / MAILED ON
5/5/06 BY PLACING IT INTO THE
OUTGOING INDIGENT MAIL AT SCT FWR 6.

DATED: 5/5/06

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APPELLANT

DISTRICT COURT
U.S. ~~COURT OF APPEALS~~
FOR THE

NO:
DATE: 4/13/06
F.S.:

DISTRICT OF DELAWARE

IN RE KAISER ALUM. CORP. 02-10929
~~APPEAL NO. 02-10929~~

APPEAL NO:
05-CV-544
06-CV-178
06-MC-041
MOTION FOR ~~REVIEW~~ ^{RELIEF}
FROM ~~ORDERS~~ ^{IF}

FILED

APR 20 2006

APPELLANT'S EX PARTE MOTION FOR
RELIEF FROM/RECONSIDERATION OF
~~CLERK'S~~ ORDER(S) OF 3/29/06 & 4/3/06
MOTION FOR ACCESS TO THE COURT(S)

APPELLANT BEING SWORN UPON OATH HEREBY DECLARES:
THAT SINCE 12/10/94 I HAVE BEEN SUFFERING AN
ON GOING AND CONTINUOUS "BOUNDS VIOLATION" OF A TOTAL AND
COMPLETE DENIAL OF ADEQUATE AND MEANINGFUL ACCESS
TO LEGAL ASSISTANCE AND ACCESS TO THE JAIL LAW
LIBRARY/COPIER, PENS, PAPER, ENVELOPES AND OTHER
RESOURCES AND ASSISTANCE, RESULTING IN ACTUAL INJURY
OF THE INABILITY TO COMPLY WITH THE COURT'S RULES
AND PROCEDURES, PURSUANT TO ~~FRAP~~ ^{FRAP} 52.59.60 AND THE
APPLICABLE ~~COURT~~ RULES I HEREBY SEEK RELIEF FROM
THE ~~CLERK'S~~ ORDER(S)/NOTICE(S) AND A WAIVER OR
SUSPENSION OF THE COURT'S RULES, ~~DEPRIVATION~~, UNTIL
SUCH TIME AS THE COURT ENFORCES MY 13TH AMEND. RIGHTS
OF ACCESS, BY ISSUANCE OF AN ADMINISTRATIVE ORDER
TO MY INSTITUTE OF INCARCERATION COMPELling THE
GRANTING OF THE "ASSISTANCE" AND "ACCESS" AS ESTABLISHED
IN BOUNDS V. SMITH, 430 U.S. 817 (1977) AND OTHER RELATED
AUTHORITY, I FURTHER SEEK RELIEF FROM THE CLERK'S
ORDER(S)/NOTICE(S) AS THEY VIOLATE MY FUNDAMENTAL
CONSTITUTIONAL RIGHTS FOR AT LEAST THE FOLLOWING
REASONS: (1) THE CLERK HAS ERRONEOUSLY MADE A
SUA SPONTE "3-STRIKE" FINDING OR DETERMINATION WHEN
THE ISSUE IS NOT PROPERLY BEFORE THE COURT, SEE
DELEON V. DOE 361 F.3d 93, AT 95 (2ND CIR. 2004); (2) THE
CLERK HAS ERRONEOUSLY COUNTED AS "STRIKES" CLAIMED
DISMISSALS THAT ARE MATTERS THAT ARE STILL PENDING
BEFORE THE USDC OR FOR WHICH A TIMELY MOTION WAS FILED
AND THE RIGHT TO APPEAL IS NOT EXHAUSTED, SEE
CANELLO V. LIGHTNER, 143 F.3d 1210 (9TH CIR. 1998); (3) THE
CLERK'S ORDER(S)/NOTICE(S) DEPRIVE THE APPELLANT OF A
FUNDAMENTAL CONSTITUTIONAL RIGHT OF ACCESS, IN THIS
APPEAL, WHO NOTICE OR OPPORTUNITY TO BE HEARD,
~~CAUSING~~ CAUSING IRREPARABLE INJURY AND WASTING
IMMEDIATE RELIEF BY THE COURT, SEE WALTERS
V. THOMPSON, 615 F.Supp.330, AT 341 (N.D. ILL 1985)...

ACCORDINGLY APPELLANT SEEKS RECONSIDERATION AND RELIEF
FROM THE CLERK'S ORDER(S)/NOTICE(S), FOR A WAIVER OR
SUSPENSION OF RULES, TO ALLOW ALL ISSUES TO BE
DETERMINED ON THE MERITS, FOR AN ADMINISTRATIVE
ORDER COMPELling APPELLANT'S "ASSISTANCE" AND "ACCESS"
AT THE MIN. STANDARD ESTABLISHED IN BOUNDS, ID, FOR
AN ORDER EXPETIATING THIS APPEAL PURSUANT TO 28 USC
§ 1026 & § 1651 IN ORDER TO AVOID FURTHER IRREPARABLE
INJURY AND A MANIFEST INJURY.

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THE "3-STRIKE" FINDINGS AND ORDERS MUST BE VACATED IN THAT THE APPELLANT WAS GIVEN NO OPPORTUNITY TO DISPUTE THE CLAIMED STRIKES, SEE EVANS V. ILL. D.O.C., 150 F.3d 810, AT 811-2 (7TH CIR 1998) AND ANDREWS V. KING, 398 F.3d 1113, AT 1120. THE U.S. HAS NOT PRESENTED ANY EVIDENCE OF PRIOR DISMISSALS TO ESTABLISH A PRIMA FACIE CASE OF IFP DISQUALIFICATION, UNDER §1915(G). AS AN INDIGENT PRISONER I CAN NOT MAINTAIN FILES OR RECORDS FOR EACH PRIOR ACTION, AS MY LEGAL FILES AND RECORDS ARE ROUTINELY SEARCHED, SEIZED AND NOT RETURNED. I HAVE NO ACCESS TO PAPER, I CAN NOT VISIT THE CLERK'S OFFICES, OR CALL THEM. ALL OF MY REQUESTS FOR RECORDS HAVE BEEN SUMMARILY DENIED, AND AS I AM INDIGENT I HAVE NO ABILITY TO HIRE A COURT FILING SERVICE TO OBTAIN RECORDS FOR ME. MY OPPOSING LITIGANTS HAVE READY AND IMMEDIATE ACCESS TO ALL COURT RECORDS, BUT HAVE NOT PROVIDED OR PRODUCED ANY. FURTHER, THE ISSUE OF "3-STRIKES" IS NOT PROPERLY BEFORE THE COURT BY WAY OF A MOTION BY THE OPPOSING LITIGANT, SEE DE LEON, 361 F.3d AT 95, REVERSING THE ELEVENA SOURCE "3-STRIKE" ORDERS TO BE VOID FOR A LACK OF DUE PROCESS. THE BURDEN INITIALLY IS NOT ON THE APPELLANT, SEE ANDREWS, 398 F.3d AT FNB. ONLY AFTER THE OPPOSING LITIGANT PROVIDES 3 SPECIFIC CITATIONS TO POTENTIAL STRIKES W/ SUPPORTING, ADMISSIBLE EVIDENCE, DOES THE BURDEN "SHIFT" TO THE APPELLANT, SEE EVANS, 150 F.3d AT 811-2 AND ANDREWS, 398 F.3d AT 1120, 1121. BY PLEADING #A, FILED/DATED 12/5/05 (PLA MOTION) APPELLANT HAS ESTABLISHED BY ADMISSIBLE EVIDENCE, UNCONTESTED AT TIME, OF A PRIMA FACIE CASE OF NO COUNTABLE STRIKES. FURTHER AS THIS APPEAL RELATES TO FUNDAMENTAL CONSTITUTIONAL RIGHTS, LOSS OF LIBERTY & RETALIATORY TERMINATION OF PARENTAL RIGHTS, A FEE WAIVER IS MANDATORY, SEE MLB V. S.L.T., 519 U.S. 102 (1996) AND BODDIE V. CONNECTICUT, 401 U.S. 371 (1971).

APPELLANT IN CASE NOS. 05-CV-574 AND 06-CV-178, HEREBY SEEKS RELIEF FROM THE COURT'S ORDER OF DISMISSAL IN 05-CV-574 AND THE 3/29/06 AND 4/3/06 ORDERS IN CASE NO. 06-MC-041, AND 06-CV-178, AND SEEKS CONSOLIDATION OF CASES 05-CV-574 AND 06-CV-178, AND APPELLANT HEREBY ASSESTS A COLLATERAL ATTACK ON THE "STRIKE" AND "3-STRIKE" WHICH FORM THE BASIS FOR THE COURT'S DENIAL OF IFP STATUS PURSUANT TO § 1715(9).

APPELLANT HEREBY SEEKS AN EXTENSION OF TIME, ~~10~~ OR 30 DAYS, ALONG WITH AN ADMINISTRATIVE ORDER GRANTING APPELLANT THE NECESSARY ACCESS TO THE JAIL LAW LIBRARY, COPIER, PENS, PAPER ENVELOPES, AND OTHER LEGAL RESOURCES AS NECESSARY FOR APPELLANT TO PRESENT HIS CLAIMS,

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TO THIS COURT. IN SUPPORT OF THE MOTION FOR AN EXTENSION OF TIME AND FOR AN ADMINISTRATIVE ORDER FOR ACCESS TO THE COURT, APPELLANT CERTIFIES THE FOLLOWING CLAIMS.

THAT THE "STRIKE" AND "3-STRIKE" ORDERS RELIED UPON BY THIS COURT ARE "VOID" AND SUBJECT TO A COLLATERAL ATTACK IN THESE ACTIONS FOR EACH OF THE FOLLOWING REASONS:

1. IN THE UNRELATED ACTIONS WHERE THE "STRIKE" AND "3-STRIKES" ORDERS ~~"ARISE"~~ APPELLANT HAS MULTIPLE FUNDAMENTAL INTERESTS AT STAKE, WHICH INCLUDE THE CHANCING OF IFP, WAIVER OF FEES AND COSTS, AS THE APPELLANT, BY THE ACTIONS THE "STRIKE" AND "3-STRIKE" ORDERS AROSE IN, SEEKS TO: (1) CHALLENGE A "VOID" DIVORCE DECREE (SEE

BODDIE V. CONNECTICUT, 401 U.S. 371, AT 374

(1971)); (2) CHALLENGE A "VOID" PERMANENT RESTRAINING ORDER, TERMINATING APPELLANT'S PARENTAL RIGHTS (SEE

(A) SEE EX. 2, (PG 40 OF 40) ITEM "U" SEPARATION CONTRACT AND FCW 26.09.070 (6), PROVIDING FOR ENFORCEMENT THEREOF AS A JUDGMENT PG 4 OF 40 BY THIS COURT. PG 5 OF 43

M.L.B. v. S.L.J. 519 U.S. 102 (1996)); AND (3) THE TAKING OF APPELLANT'S "LIBERTY" BY "VOID" ORDERS, PURPORTING TO ENFORCE THE TERMINATION OF APPELLANT'S PARENTAL RIGHTS (SEE MAYER V. CHICAGO 404 U.S. (1971)).

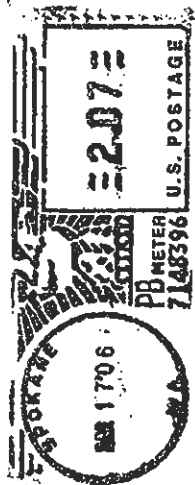
2. THE "STRIKE" AND "3-STRIKE" ORDERS WERE ENTERED IN VIOLATION OF THE REIMPOSED AUTOMATIC STAY (11 USC § 362) AND THE DISCHARGE AND DISCHARGE INJUNCTION, ESTABLISHED BY THE "FOREIGN JUDGMENTS", (SEE EX. 2, PGS 39 OF 40 AND 40 OF 40, ITEMS b, d, h, i, j, k, L, ETC);

3. THE APPELLANT HAS A "VESTED RIGHT", IN HIS MONEY JUDGMENT AGAINST THE DEBTOR (KAHNER), ESTABLISHED BY THE KAHER'S CONFIRMED PLAN, ALLOWING APPELLANT'S CLAIM # 736, IN CASE NO. 02-10429, WHICH IS PROTECTED BY THE DEBT PROCESS PROTECTIONS OF THE 5TH & 14TH AMEND, (SEE ANDRE V. COUNTY OF MASSACHUSETTS, 311 F. SUPP. 2d 325, AT 335, HEADNOTE [15] (E.D. NY. 2004), AND PENTAMIN V. JACOBSON, 124 F.3d 162, AT 176 (2ND CIR 1997) AND COUNTY OF SUFFOLK V. LONG ISLAND LIGHTING CO., 14 F. SUPP. 2d 260, AT 265, HEADNOTE [2] (E.D. NY. 1998).

I CERTIFY THAT THIS MOTION/PLEADING WAS MAILED/SERVED ON 4/13/06 BY PLACING IT INTO THE OUTGOING INDIGENT MAIL. DAK
4/13/06
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JUL 24 2004

DUNCAN J. McNEIL
SPOKANE CO. JAIL
1100 W. MARCON
SPOKANE, WA 99260



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CLERK
U.S. DISTRICT COURT
844 KNOX STREET
LOCK BOX 18
WILMINGTON, DE 19801-
3570

U.S.M.S.
X-RAY

100 ~~60~~ 70F43
LEGAL MAIL

IFP MOTION (SUPPLEMENTAL) ~~TO THE~~ AND

COLLATERAL ATTACK ON "STRIKE" ORDERS
THE JUDGMENT CREDITOR HEREBY
MAKES A COLLATERAL ATTACK ON
ALL: (1) "VEXATIONOUS LITIGANT" ORDERS; (2)
PRE-FILING ORDERS OR ORDERS RESTRICTING
ACCESS TO THE COURTS; (3) SUA SPONTE
DISMISSAL ORDERS DECLARING A "STRIKE";
AND (4) SUA SPONTE "3-STRIKE" DISMISSAL
ORDER FILED OR "STRUCK-OUT" ORDERS

APR 20 2006
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
THE JUDGMENT CREDITOR
HAS BEEN THE VICTIM ON NUMEROUS
NON-JUDICIAL ACTS, IN A CLEAR
ABSENCE OF ALL JURISDICTION OR
CONTRARY TO ESTABLISHED STATUTE
OR CASE LAW AUTHORITY, RESULTING
IN THE UNLAWFUL ISSUANCE OF: (1)
"VEXATIONOUS LITIGANT" ORDERS; (2) PRE-
FILING ORDERS AND/OR ORDERS RESTRICTING
ACCESS TO THE COURTS; (3) SUA SPONTE
DISMISSAL ORDERS, DECLARING A "STRIKE"
UNDER 28 USC § 1915; AND/OR (4) SUA
SPONTE "3-STRIKE" DISMISSAL ORDERS,
OR "STRUCK-OUT" ORDERS, PURSUANT
TO 28 USC § 1915(2). ALL SUCH ORDERS
ARE HERENAFTER REFERRED TO
AS "DENIAL OF ACCESS ORDERS", OR
"DOA ORDERS". ALL SUCH "DOA ORDERS"
ARE HEREBY COLLATERALLY ATTACKED
BY THIS MOTION/PETITION/ACTION, ARE

① INCLUDING ALL ORDERS, JUDGMENTS OR SENTENCES TAKING THE
JUDGMENT CREDITOR'S LIBERTY, PROPERTY OR RESTRICTION OR LIMITING
HIS FUNDAMENTAL RIGHTS, IN ANY WAY.

1.01 (cont). HEREBY DECLARED TO BE "VOID AB INITIO" ORDERS OF NO FORCE AND EFFECT, AND A LEGAL NULLITY.

1.02 ALL SUCH "DOA ORDERS" WERE ENTERED IN: ^① VIOLATION OF DUE PROCESS, W/O NOTICE OR MEANINGFUL OPPORTUNITY TO BE HEARD ON THE MERITS; ^② "A CLEAR ABSENCE OF ALL JURISDICTION", BY NON-JUDICIAL ACTS; ^③ IN VIOLATION OF THE TERMS OF THE "FOREIGN JUDGMENTS" (EX. 2); ^④ IN VIOLATION OF THE REIMPOSED AUTOMATIC STAY (11 U.S.C. § 362) ESTABLISHED BY THE "FOREIGN JUDGMENTS"; ^⑤ IN VIOLATION OF THE DISCHARGE AND DISCHARGE INJUNCTION (11 U.S.C. § 524 & 11 U.S.C. § 1141) ESTABLISHED BY THE "FOREIGN JUDGMENTS" (EX. 2); AND/OR ^⑥ ~~EXCESS~~ ~~OF THAT~~ A NON-JUDICIAL ACT GRANTING RELIEF IN EXCESS OF THAT PLEADED, OR IN EXCESS OF THAT SPECIFICALLY PRESERVED BY THE "FOREIGN JUDGMENTS" (EX. 2).

1.03 THE JUDGMENT CREDITOR HEREBY ASSENTS AS DEFENSES TO THE "VOID AB INITIO" - "DOA ORDERS", THE DOCTRINES OF: ^① RES JUDICATA; ^② COLLATERAL ESTOPPEL; ^③ ISSUE OR CLAIM PRECLUSION; AND ^④ THE DEFENSE

OF ABSOLUTE QUASI-JUDICIAL IMMUNITY,
AND THE JUDGMENT CREDITOR, IN THIS
MOTION/PETITION/ACTION AND COLLATERAL
ATTACK, HEREBY GIVES NOTICE OF
DEFENSE BASED UPON PUBLIC
AUTHORITY, PURSUANT TO FEDERAL
CRIMINAL RULE 12.3, SEE WARDLUS V.
OREGON, 412 U.S. 470, 93 S.Ct. 2208
(1973).

1.04 THE JUDGMENT CREDITOR
HEREBY GIVES NOTICE, AND CERTIFIES
THAT AT ALL TIMES IN RELATION
TO THE "DOA ORDERS", THE
JUDGMENT CREDITOR WAS ACTING AS
COURT APPOINTED FIDUCIARY AND
"ARM OF THE COURT", AS AN "OFFICER
OF THE UNITED STATES", AS DEFINED
BY 42 U.S.C. § 1985(1), APPOINTED
PURSUANT TO 11 U.S.C. § 1123(b)(3)(B),
AND AS THE DIRECT AND/OR INDIRECT
TRANSFeree OF, OR SUCCESSOR IN
INTEREST TO THE REORGANIZED
DEBTOR AND THE DEBTOR ESTATE,
AS ESTABLISHED BY 11 U.S.C. §
524(g)(3)(A)(i), CHARGED WITH AND
COMPELED BY, FEDERAL COURT ORDER(S)
WITH THE FULL AND COMPLETE
EXECUTION AND ENFORCEMENT OF
THE "FOREIGN JUDGMENTS" (EX.2).

1.05 ACCORDINGLY, THE JUDGMENT CREDITOR, HAS AND CLAIMS COMPLETE AND ABSOLUTE QUASI-JUDICIAL IMMUNITY AS TO ALL SUCH "DOA ORDERS" WHICH PURPORT TO TAKE, ~~THE~~ RESTRICT OR IMPINGE UPON THE JUDGMENT CREDITOR'S LIBERTY, PROPERTY, PARENTAL RIGHTS, OR OTHER CONSTITUTIONAL OR CIVIL RIGHTS, IN ANY RESPECT.

1.06 THE JUDGMENT CREDITOR HEREBY ASSERTS AND CHARGES THAT ALL SUCH "DOA ORDERS" WERE ISSUED AND ENTERED IN NON-JUDICIAL ACTS, UNDERTAKEN IN A POLITICAL AND CRIMINAL CONSPIRACY ^(AS DEFINED BY 42 USC § 1985) TO INTERFERE WITH, AND IN RETALIATION AND RETRIBUTION FOR THE JUDGMENT CREDITOR HAVING SOUGHT TO EXERCISE HIS CONSTITUTIONAL RIGHT (AND COURT ORDERED OBLIGATION) FOR THE GRANTING OF FULL FAITH & CREDIT TO, AND THE EXECUTION AND ENFORCEMENT OF, THE "FOREIGN JUDGMENTS".

1.07 THE APPLICATION OF 28 U.S.C. § 1915(9), AND THE SO CALLED "STRIKE" AND "3-STRIKE" ORDERS REPRESENT AN UNCONSTITUTIONAL INFRINGEMENT ON

(cont.)

THE JUDGMENT CREDITOR'S FUNDAMENTAL RIGHT OF ACCESS TO THE COURTS. IN WILSON V. SANFORD, 148 F.3d 586, AT 605 (6TH CIR 1998), CITING TO FATSY V. Bd. OF REGENTS OF FLORIDA, 457 U.S. 486 AT 506-07 (1982) AND HAMPTON V. HOBBS, 106 F.3d 1281, AT 1285 (6TH CIR. 1997), IT WAS HELD THAT AS LONG AS THE LITIGANT HAD AN "AVAILABLE" JUDICIAL FORUM, ^(STATE COURT) THAT 28 U.S.C. § 1915(D) ~~UNLAWFULLY~~ AND "STRIKE" AND "3-STRIKE" ORDERS RESULTING THEREFROM WERE NOT UNCONSTITUTIONAL. IN THE CASE OF THE INSTANT JUDGMENT CREDITOR, THE STATE COURTS (SPOKANE CO. SUPERIOR COURT, COURT OF APPEALS, DIV III AND WASHINGTON SUPREME COURT) HAVE ALL PREVIOUSLY ^{UNLAWFULLY} DENIED THE JUDGMENT CREDITOR IFP STAYS, AND HAVE PURPORTEDLY BARRED THE JUDGMENT CREDITOR FROM SEEKING FULL FAITH & CREDIT AND THE EXECUTION AND ENFORCEMENT OF THE "FOREIGN JUDGMENTS" IN ANY COURT IN THE STATE OF WASHINGTON. AT THE TIME THAT THE ~~FEDERAL COURTS~~ JUDGMENT CREDITOR SOUGHT IFP ACCESS.

(1.07 CONT.)

TO THE FEDERAL COURTS, AND THE FEDERAL COURTS BEGAN SUA SPONTE ISSUANCE OF "STRIKE" AND "3-STRIKE" ORDERS, ON 11/9/04, THE JUDGMENT CREDITOR HAD ALREADY BEEN DENIED ALL ACCESS TO THE STATE COURTS, (UNLAWFULLY & UNCONSTITUTIONALLY, AND IN VIOLATION OF RCW 7.36.140, SEE SMITH V. WHATCOM CO., 147 WASH. 2D 98 (2002)), AND IF ACCESS TO THE FEDERAL COURTS, WAS THE JUDGMENT CREDITOR'S ONLY REMAINING FORUM. IN LIGHT OF THESE FACTS, AND THE HOLDINGS IN WILSON, PATEY AND HAMPTON, THE APPLICATION OF 28 USC § 1915(9) AND THE SUA SPONTE ISSUANCE OF "STRIKE" AND "3-STRIKE" DISMISSALS, IN NON-JUDICIAL ACTS, ARE UNCONSTITUTIONAL AND CONSTITUTE AN UNCONSTITUTIONAL INFRINGEMENT ON THE JUDGMENT CREDITOR'S FUNDAMENTAL RIGHT OF ACCESS TO THE COURTS, RENDERING ALL FEDERAL "DOA ORDERS" TO BE "VOID AB INITIO".

1.08 THE VAST MAJORITY OF THE §1915 "STRIKE" AND "3-STRIKE" SUA DISMISSAL ORDERS WERE ISSUED IN ACTIONS/PETITIONS TO COMPEL OFFICERS OF THE UNITED STATES TO PERFORM

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(1.08 CONT.)

MANDATORY, NON-DECRETIONARY AND MINISTERIAL DUTIES OWED TO THE JUDGMENT CREDITOR, SUCH AS: ^① THE RESTORATION OF THE JUDGMENT CREDITOR'S PARENTAL RIGHTS; ^② THE GRANTING OF FULL FAITH & CREDIT TO THE "FOREIGN JUDGMENTS"; AND/OR ^③ VACATING AND DECLARING "VOID AB INITIO" JUDGMENTS OR ORDERS ENTERED IN "A CLEAR ABSENCE OF ALL JURISDICTION" AND CONTRARY TO ESTABLISHED STATUTES AND CASE LAW AUTHORITY, IN NON-JUDICIAL ACTS. IT IS WELL SETTLED THAT ALL MANDAMUS ACTIONS OR PETITIONS (SUCH AS THIS MOTION/ACTION/PETITION) BROUGHT PURSUANT TO 28 U.S.C. § 1361 ARE NOT SUBJECT TO THE PRISON LITIGATION REFORM ACT (PLRA), 28 U.S.C. § 1915. PETITIONER SEEKING TO COMPEL DISTRICT COURT TO ACT ON HIS PENDING HABEAS PETITION DID NOT HAVE TO COMPLY WITH THE FEE REQUIREMENTS OF THE PLRA, MADDEN V. MYERS, 112 F.3d 74 (5th Cir 1997); PETITION FOR WRIT OF MANDAMUS THAT AROSE

(1.08 CONT)

OUT OF APPLICATION FOR POSTCONVICTION RELIEF, WAS NOT SUBJECT TO FEE PAYMENT REQUIREMENTS UNDER THE PLRA, FOR PRISONERS DESIRING TO APPEAR IFP, IN RE STONE, 118 F.3d 1032 (5th Cir. 1997); FILING FEE REQUIREMENTS OF PLRA DID NOT APPLY TO A PRISONER'S PETITION FOR WRIT OF HABEAS CORPUS, FILED IN COURT OF APPEALS SEEKING TO COMPEL JUDGE IN CRIMINAL CASE TO RULE ON RECUSAL MOTION, IN RE NABH, 89 F.3d 115 (2nd Cir. 1996). AS SUCH ALL "DOA ORDERS" ENTERED IN THE JUDGMENT CREDITOR'S ACTIONS/PETITIONS FOR HABEAS CORPUS DECLARING A "STRIKE" OR A "3-STRIKE" DISMISSAL UNDER THE PLRA ARE VOID AND OF NO FORCE AND EFFECT.

1.09 AFTER BEING UNLAWFULLY DENIED ACCESS TO STATE COURTS, THE JUDGMENT CREDITOR SOUGHT RELIEF IN FEDERAL COURT, REQUESTING IFP ACCESS TO: ① CHALLENGE THE SUA SPONTE RETALIATORY TERMINATION OF HIS PARENTAL RIGHTS; ② CHALLENGE HIS UNLAWFUL LOSSES OF LIBERTY & PROPERTY, DETENTIONS, INCARCERATIONS,

AND/OR CLAIMED CRIMINAL CONVICTIONS BY APPEAL. THE U.S. SUPREME COURT HAS HELD THAT THE CONSTITUTION REQUIRES THE WAIVER FOR INDIGENT PERSONS WHO ARE CHALLENGING TERMINATION OF THEIR PARENTAL RIGHTS (SEE MLB V. SLT, 519 U.S. 102 (1996)) OR SEEKING A DIVORCE, OR TO CHALLENGE A VOID DIVORCE DECREE (SEE BODDIE V. CONNECTICUT, 400 U.S. 371, AT 374 (1971)). IN THIS INSTANCE, THE JUDGMENT CREDITOR ^{RETALIATORY} SOUGHT TO CHALLENGE THE TERMINATION OF HIS PARENTAL RIGHTS, AND TO VACATE AND VOID THE 12/8/03 DECREE, BY ~~AND~~ ACTIONS TO ENFORCE THE "FOREIGN JUDGMENTS", AND AS SUCH THE CONSTITUTION REQUIRES THE WAIVER OF THE FILING FEES IN ALL SUCH ACTIONS, THEREBY VOIDING ALL SUCH IFP DENIALS, AS TO "FUNDAMENTAL INTERESTS".

1.10 THE JUDGMENT CREDITOR IS NOT A PERSON WHO IS LAWFULLY "INCARCERATED OR DETAINED IN ANY FACILITY WHO IS ACCUSED OF, CONVICTED OF, SENTENCED FOR, OR ADJUDICATED DELINQUENT FOR, VIOLATIONS OF CRIMINAL LAW OR THE TERMS AND CONDITIONS OF PAROLE, PROBATION,

(109 CONT)

PRETRIAL RELEASE, OR DIVERSIONARY PROGRAM." THE JUDGMENT ~~IS~~ CREDITOR IS A "CIVIL DETAINEE" UNLAWFULLY INCARCERATED DUE TO "VOID AB INITIO" CIVIL ORDERS, ISSUED IN "A CLEAR ABSENCE OF ALL JURISDICTION" AND IN NON-JUDICIAL ACTS, CONTRARY TO CLEARLY ESTABLISHED STATUTE AND CASE LAW AUTHORITY, WHO IS THEREFORE NOT SUBJECT TO THE PLRA 28 U.S.C. § 1915(g), AS A "CIVIL DETAINEE"; SEE TROVILLE V. VENE, 303 F.3d 1256, AT 1260 (11TH CIR 2002); PAGE V. TORREY, 201 F.3d 1136, AT 1139 (9TH CIR. 2000).

AS SUCH ALL "STRIKE" OR "3-STRIKE" ORDERS ISSUED AGAINST THE JUDGMENT CREDITOR, ARE VOID, ISSUED IN "A CLEAR ABSENCE OF ALL JURISDICTION".

1. 10 EACH OF THE "STRIKE" OR "3-STRIKE" DISMISSALS CLAIMED AGAINST ~~THE~~ THE JUDGMENT CREDITOR IS IN RELATION TO AN ACTION THAT WAS THEN, AND IS STILL NOW PENDING EITHER BEFORE THE DISTRICT COURT, OR PENDING ON APPEAL, BY THE FILING OF A TIMELY NOTICE OF APPEAL.

IT IS WELL ESTABLISHED THAT COUNTABLE "STRIKES" UNDER THE PLRA INCLUDE ONLY DISMISSALS FOR WHICH AN APPEAL HAS BEEN EXHAUSTED OR WAIVED, SEE ADEDEGBA V. HAMMONS, 103 F.3d 383, AT 388 (5TH CIR 1996);

PATTON V. JEFFERSON C.C., 136 F.3d 458, AT 462 (5TH CIR 1998);

SUCH A DISMISSAL, PENDING APPEAL CAN NOT BE CONSIDERED A "STRIKE" COUNTABLE AGAINST THE JUDGMENT CREDITOR, AS REVERSAL OF THE "STRIKE DISMISSAL" WOULD NULLIFY THE STRIKE,

ADEDEGBA, 103 F.3d AT 387;

PATTON, 136 F.3d AT 464. IN

THE ~~THE~~ INSTANT CASE(S) THE JUDGMENT CREDITOR HAS NO

COUNTABLE STRIKES, AS ALL ACTIONS CLAIMED AS "STRIKES"

ARE EITHER STILL PENDING BEFORE THE DISTRICT COURT, OR A TIMELY NOTICE OF APPEAL WAS FILED AND THE APPELLATE REVIEW OF THE ~~CLAIMED~~ EACH CLAIMED "STRIKE" IS NOT EXHAUSTED.

1.11 IT IS AN ERROR FOR THE DISTRICT COURT TO RECORD A

"STRIKE" AT THE TIME OF THE INITIAL SUA SPONTE DISMISSAL, SEE STEWART V. LYLES, 66 FED. APPX. 18, AT 22 AT HEADNOTE [9]. THE DESIGNATION OF A "STRIKE" HAS NO PRACTICAL CONSEQUENCES UNTIL A DEFENDANT IN A PRISONER LAW SUIT, RAISES THE CONTENTION THAT THE PRISONER'S SUIT OR APPEAL MAY NOT BE MAINTAINED IFP PURSUANT TO 28 USC § 1915, BECAUSE THE PRISONER IS ALLEGED TO HAVE ACCUMULATED THREE STRIKES, SEE SNIDER V. MELINDEZ, 199 F.3d 108, AT 115, HEADNOTE [5]ii. NOT A SINGLE ONE OF THE JUDGMENT CREDITOR'S THREE STRIKE SUA SPONTE DISMISSALS ~~BE~~ WAS ENTERED IN RESPONSE TO A MOTION BY THE OPPOSING PARTY, AND ALL OF THE JUDGMENT CREDITOR'S CLAIMED STRIKES WERE ERRONEOUSLY RECORDED BY THE DISTRICT COURT, AT THE TIME THE INITIAL SUA SPONTE DISMISSAL WAS ENTERED.

1.12 A REVERSAL OF A SUA SPONTE DISMISSAL DECLARED A "STRIKE" NULLIFIES THE "STRIKE", SEE ADEPEGBAY. HAMMONS, 103 F.3d 383,

(5th Cir 1996)

AT 387, HEADNOTE [5] AS A DISMISSAL SHOULD NOT COUNT AS A "STRIKE" AGAINST A PRISONER UNTIL HE HAS EXHAUSTED OR WAIVED HIS APPEALS. ANY OTHER INTERPRETATION OF 28 USC § 1915(G) WOULD POSE A RISK OF PUNISHING AN INDIGENT LITIGANT FOR NONCULPABLE CONDUCT (SEE ADEPEGBA, ID., 103 F.3d AT 387-88, HEADNOTE [6]) AS HAS BEEN WRONGFULLY DONE TO THE JUDGMENT CREDITOR.

1.13 SEVERAL COURTS HAVE WRONGFULLY ENTERED SUA SPONTE DISMISSALS FOR ^{THE JUDGMENT CREDITOR} FAILING TO FILE A COMPLETE ^{IFP} PETITION ~~ON~~ CONSISTENT WITH § 1915(G), OMITTING THE JAIL STATEMENT, A PARTIAL FILING FEE, THE ENTIRE FILING FEE, A DISCLOSURE THAT THE JUDGMENT CREDITOR HAS ALLEGEDLY "STRUCK OUT" OR SOME OTHER CLAIMED DEFECT. SUCH SUA SPONTE DISMISSALS FOR A CLAIMED FAILURE TO MEET THE STATUTORY REQUIREMENTS OF THE PLRA ARE INVALID. SEE JACKSON V. STINNETT, 102 F.3d 132, AT 136, HEADNOTE [7], (5th Cir. 1996); COVINO V. REOPEL, 89 F.3d 105, AT 108-09 (2ND Cir. 1996) (APPLYING PLRA AND GIVING PLAINTIFFS 30 DAYS TO MEET

STATUTORY REQUIREMENTS).

1.14 EACH AND EVERY "SUA SPONTE "STRIKE" OR "3 STRIKE" DISMISSALS WAS MADE SUA SPONTE BY THE DISTRICT COURT, ON ITS OWN MOTION, WITHOUT AFFORDING THE JUDGMENT CREDITOR NOTICE AND OPPORTUNITY TO BE HEARD. AS SUCH ALL SUA SPONTE ~~BE~~ "STRIKE" OR "3-STRIKE" DISMISSALS MUST BE VACATED. SEE PEREZ V. ORTIZ, 849 F.2d 793, AT 797 (2ND CIR 1988); SQUARE D CO. V. NIAGARA FRONTIER TARIFF BUREAU, 760 F.2d 1347, 1365 (2ND CIR 1985); SCHLES LINGER & INV. PARTNERSHIP V. FLUGA CORP, 671 F.2d 739, AT 742 (2ND CIR 1982); EADES V. THOMPSON, 823 F.2d 1055, AT 1062 (7TH CIR 1987) AND SNIDER V. MELINDEZ, 199 F.3d 108, AT 112, HEADNOTE [2] (2ND CIR 1999).

1.15 THE "3-STRIKE" DISMISSAL OF A ~~BE~~ INDIGENT INMATE'S ACTION OR APPEAL, ON ~~THE~~ ^A SUA SPONTE BASIS, WITHOUT A NOTICE AND A MOTION FROM THE DEFENDANT OR OPPOSING LITIGANT IS A NON-JUDICIAL ACT IN "A CLEAR ABSENCE OF ALL JURISDICTION" WHICH INVOLVES THE COURTS IN DISPUTES THAT MIGHT NEVER HAVE ANY PRACTICAL CONSEQUENCE, SEE DELEON V. DOE, 361 F.3d 93, AT 95 (2ND CIR 2004).

QUOTING FROM SNIDER V. MELINDEZ, 199 F.3d 108, AT 115 (2ND CIR. 1999). EACH AND EVERY ONE OF THE "3-STRIKE" DISMISSALS MADE AGAINST THE JUDGMENT CREDITOR, WAS MADE IN A SUA SPONTE NON-JUDICIAL ACT, IN THE ABSENCE OF A MOTION FROM THE OPPOSING PARTY AND WITHOUT NOTICE OR OPPORTUNITY TO BE HEARD, IN "A CLEAR ABSENCE OF ALL JURISDICTION" RENDERING ALL SUCH "3-STRIKE" SUA SPONTE DISMISSALS TO BE "VOID AB INITIO".

1.16 THE "DOA ORDERS" AT ISSUE IN THIS PETITION/MOTION/ACTION WERE ISSUED IN NON-JUDICIAL ACTS W/O NOTICE OR OPPORTUNITY TO BE HEARD, IN VIOLATION OF DUE PROCESS, RENDERING THE "DOA ORDERS" VOID AND SUBJECT TO COLLATERAL ATTACK, AT ANY TIME, THEIR VALIDITY IS QUESTIONED, SEE BLUMHE V. U.S., 40 BR. 551, AT 553, HEADNOTES [5], [6] & [7] (D.C. SD 1984);

BRADLEY V. ST. LOUIS TERMINAL WAREHOUSE CO. 189 F.2d 818, AT 824, ~~8~~ HEADNOTE [13] (8TH CIR 1951); JONES V. GILES, 741 F.2d 245, AT 248, HEADNOTES ~~[1]~~ [4] & [6] (9TH CIR. 1984);

CHICOT CO. DRAINAGE DIST V. BAXTER ST. BANK, 308 U.S. 371, AT 376-77 (1940); GLACIETTE V. STAR GUARANTEE INC., 66 F.R.D. 424, AT 428-29, (SD.NY. 1975).

1.17 THE REIMPOSED AUTOMATIC STAY, PURSUANT TO 11 U.S.C. § 362, ESTABLISHED BY THE "FOREIGN JUDGMENTS" (EX. 2), WHICH WERE THE SUBJECT OF THE ACTIONS WHERE THE "DOA ORDERS" WERE ENTERED, ~~SEE~~ (SEE HALLIS MOTORS INC v HAWAII AUTO DEALERS ASS'N, 997 F.2d 581, AT 585-90 (9TH CIR 1993); WOLF v. WEINSTEIN, 372 U.S. 633, AT 643 (1963); PEPPER v. LITTON, 308 U.S. 295, AT 306 (1939); IN RE NAT. ENV. WASTE CORP., 200 F.3d 1266, AT 1268 (9TH CIR. 2000); IN RE SMITH, 141 F.3d 1179 (9TH CIR 1998); AND IN RE CELEBRITY HOME ENT. INC., 210 F.3d 995, AT 998 (9TH CIR 2000)) ACTS TO VOID ALL OF THE "DOA ORDERS", AUTOMATICALLY, AS THEY WERE ENTERED IN VIOLATION OF THE REIMPOSED AUTOMATIC STAY (IN RE SCHULTZ, 954 F.2d 569 (9TH CIR 1992); IN RE CAUDER, 907 F.2d 953 (10TH CIR 1990)). THE FEDERAL DISTRICT COURTS, ARE LIMITED IN THEIR JURISDICTION BY THE REIMPOSED AUTOMATIC STAY ESTABLISHED IN THE "FOREIGN JUDGMENTS", TO THE ENTRY OF ORDERS THAT ARE NOT INCONSISTENT WITH THE TERMS OF THE "FOREIGN JUDGMENTS" (EX. 2), SEE PICCO v. GLOBAL MARINE, 900 F.2d 846 (5TH CIR 1990).

1.18 AT ALL TIMES IN THE ACTIONS WHERE THE "DOA ORDERS" WERE ISSUED, I WAS ACTING ~~AS~~ IN MY OFFICIAL CAPACITY, AS THE COURT APPOINTED TRUSTEE, SEEKING TO EXECUTE AND ENFORCE THE "FOREIGN JUDGMENTS" (EX-2), AS SUCH ALL ACTS, ACTIONS OR CLAIMS TAKEN AGAINST ME, WHILE ACTING IN MY OFFICIAL CAPACITY, SUCH AS THE "DOA ORDERS" ARE "VOID AB INITIO", SEE IN RE MARKOS GURNEE PARTNERSHIP, 182 B.R. 211 (BANKR. N.D. IL. 1995).

1.19 AS A MATTER OF LAW, THE JUDGMENT CREDITOR CAN, AND HAS, SIMPLY IGNORE(D) THE "DOA ORDERS", AS A MATTER OF FEDERAL STATUTE, 11 U.S.C. § 524(G)(1), PURSUANT TO THE DISCHARGE AND DISCHARGE INTUNCTION ESTABLISHED BY THE "FOREIGN JUDGMENTS". IN THE 1978 AMENDMENTS TO THE BANKRUPTCY ACT, CONGRESS EXPRESSLY MADE IT LAWFUL FOR THE JUDGMENT CREDITOR, TO SIMPLY IGNORE ALL JUDGMENTS OR ORDERS SUCH AS THE "DOA ORDERS" WHICH GRANT RELIEF AGAINST THE JUDGMENT CREDITOR, THAT WAS NOT SPECIFICALLY PRESERVED WITHIN THE "FOREIGN JUDGMENTS", SEE DUNBAR V. CONTRACTORS LIC. Bd., 235 B.R. 465 (9TH CIR. 1999); IN RE ALDRE, INC., 216 B.R.

19, AT 29 (9TH CIR BAP 1997); IN RE SCHWARTZ, 954 F.2d 569, AT 573-75 (9TH CIR 1992); GONZALES V. PARKS, 830 F.2d 1033 (9TH CIR 1987); IN RE FRANCESCHI, 268 B.R. 219, AT 226 (9TH CIR BAP 2001); IN RE CAUZE, 254 B.R. 801, AT 810 (Bankr S.D. N.Y. 2000); IN RE PAVELICH, 229 B.R. 777, AT 781 (9TH CIR BAP 1999); 4 LAURENCE P. KING, ET. AL, COLLIER ON BANKRUPTCY ¶ 524-13 [1] (15TH ED. REV. 1998); IN RE HENSCHER, 248 B.R. 488, AT 491 (Bankr D. N.J. 2000).

1.20 ACCORDINGLY, THIS COURT HAS A MANDATORY, NON-DISCRETIONARY AND MINISTERIAL DUTY TO VACATE AND DECLARE "VOID AB INITIO" EACH AND EVERY "DOA ORDER", AT ISSUE HEREIN, SEE JORDAN V. GILLIGAN, 500 F.2d 701, AT 704 (6TH CIR 1974); 7 J. MOORE FEDERAL PRACTICE, ¶ 60.25(2) AT 301 (2ND ED. 1973) AND LUBBEN V. SELECTIVE SERVICE, 453 F.2d 645 (1ST CIR 1972); CHAI V. KENG 93 P3d 936 (WASH. APP. DN. I 2004).

1.21 I HEREBY CERTIFY AND DECLARE THE FOREGOING TO BE TRUE AND CORRECT UNDER THE PENALTY OF PERJURY AND I CERTIFY THAT THIS PETITION/MOTION/ACTION WAS FILED/MAILED BY PLACING IT INTO THE OUTGOING INDIGENT LEGAL MAIL AT SCT SE-30 ON ~~3/15/06~~ 3/15/06

-18 DATED: ~~3/15/06~~ 3/15/06

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PUNCA J. McNEIL, III
JUDGMENT CREDITOR

PG 25 OF 43

IFP DECLARATION

1. I AM OVER THE AGE OF 18 AND I HAVE PERSONAL KNOWLEDGE OF THE FOLLOWING

2. I AM PRESENTLY UNLAWFULLY
THE UNITED STATES,

1 INCARCERATED BY, THE STATE OF WASHINGTON,
2 COUNTY OF SPOKANE AND THE CITY OF SPOKANE,
3 IN VIOLATION OF MY CONSTITUTIONAL AND
4 CIVIL RIGHTS, AS A "CIVIL DETAINEE".

5 3. THAT I AM AN "OFFICER OF THE
6 UNITED STATES" AS DEFINED BY 42 U.S.C. §
7 1985(1) APPOINTED PURSUANT TO 11 U.S.C. §
8 1123(b)(3)(B) AS THE DEBURSING AGENT AND
9 LIQUIDATING TRUSTEE AND GENERAL MANAGER
10 FOR REORGANIZED DEBTOR BROADWAY
11 BUILDINGS II, L.P., ~~BE~~ PURSUANT TO ORDER
12 OF THE U.S. BANKRUPTCY COURT, CENTRAL
13 DISTRICT OF CALIFORNIA.

14 4. THAT AS A DISABLED PERSON,
15 I HAVE BEEN THE CONTINUAL AND
16 ONGOING VITIM OF INTENTIONAL
17 DISCRIMINATION AND RETALIATION, BY
18 THE U.S., THE STATE OF WASHINGTON,
19 THE COUNTY OF SPOKANE, AND THE CITY
20 OF SPOKANE, IN A KNOWING AND
21 INTENTIONAL VIOLATION OF MY CIVIL
22 AND CONSTITUTIONAL RIGHTS, FOR
23 HAVING EXERCISED MY COURT APPOINTED
24 DUTIES PURSUANT TO THE EXECUTION
25 AND ENFORCEMENT OF BROADWAY'S
26 CONFIRMED PLAN, PURSUANT TO U.S.
27 CONST. ART 4, 31, FULL FAITH &

28 CREDIT CLAUSE. I AM PRESENTLY UNDER
IMMINENT DANGER OF SERIOUS PHYSICAL INJURY DUE
MY CONDITIONS OF INCARCERATION AND THE
WITHHOLDING OF MEDICAL CARE. PG 26
23 OF 40 OF 43

5. BY THE ATTACHED IFP APPLICATION I MOVE THE COURT FOR AN ORDER ALLOWING ME TO PROCEED IN THIS ACTION WITHOUT PREPAYMENT OF FEES.

6. I ALSO MOVE THE COURT FOR AN ORDER ALLOWING ME ELECTRONIC FILING STATUS, ALONG WITH A WAIVER OF PACER AND ELECTRONIC ACCESS, FILING AND SERVICE FEES.

7. I FURTHER MOVE THE COURT FOR APPOINTMENT OF COUNSEL, IN THIS ACTION, PURSUANT TO 28 USC § 1915(c)(1), FOR THE FOLLOWING REASONS:

(a) TO ATTAIN DUE PROCESS OF LAW: THE PLAINTIFF, INDIGENT & UNLAWFULLY INCARCERATED, ASSERTS IN BRINGING THIS ACTION THAT THE PLAINTIFF HAS BEEN DENIED HIS FUNDAMENTAL RIGHTS TO DUE PROCESS OF LAW, AND HAS BEEN UNLAWFULLY DENIED ACCESS TO THE COURTS, WARRANTING APPOINTMENT OF COUNSEL IN THIS PARTICULAR CASE, SEE HATFIELD V. BAILLEAUX, 290 F.2d 632 (9th Cir 1961);

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~~PG 25 OF 40~~

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1 (b) THE PLAINTIFF'S ACTION IS
2 NECESSITATED AND BROUGHT ABOUT
3 BY THE DEFENDANT'S ALLEGED
4 CONSPIRACY TO CONCEAL THE PLAINTIFF'S
5 UNLAWFUL ARRESTS, AND TO OBTAIN
6 INVALID CRIMINAL CONVICTIONS, THEREBY
7 WARRANTING THE APPOINTMENT OF
8 COUNSEL, SEE WHITE V. WALSH, 649
9 F.2d 560 (8th CIR 1981);

10 (c) THE DENIAL OF COUNSEL, IN
11 THIS PARTICULAR CASE, WOULD RESULT IN
12 A FUNDAMENTAL UNFAIRNESS, DUE TO
13 PLAINTIFF'S CONTINUING DENIAL OF ACCESS
14 TO COURTS/LAW LIBRARY, INFIRMING
15 UPON THE INDIGENT PRISONER'S DUE
16 PROCESS RIGHTS, THEREBY REQUIRING
17 APPOINTMENT, SEE CHILDS V. DUCKWORTH,
18 705 F.2d 915 (7th CIR. 1983);

19 (d) APPOINTMENT OF COUNSEL IS
20 NECESSARY WHEN AN INDIGENT PRISONER
21 AS IN THIS CASE, IS PROHIBITED ADEQUATE
22 ACCESS TO LAW LIBRARY, COPIER, TYPEWRITER,
23 AND OTHER RESOURCES NEEDED TO PROSECUTE
24 THE CASE, SEE RAYES V. JOHNSON,
25 969 F.2d 700 (8th CIR. 1992);

26 (e) INDIGENT PRISONER IS
27 PERMANENTLY DISABLED, WITH A CHRONIC
28
PL 25 OF 40 PL 40 PL 20 PL 28 OF 43

(SEE PGS 27 OF 38 TO 38 OF 38 ATTACHED)

I DECLARE THE FOREGOING IS TRUE AND
CORRECT UNDER THE PENALTY OF PERJURY OF
THE LAWS OF THE UNITED STATES. PG 29 OF
DATED: ~~1/6/06~~ ~~2/2/06~~ 4/19/06 AD 43
2-26 OF 40 ~~2-26 OF 40~~

① THAT I HAVE CONTACTED OVER 30 PUBLIC RELATIONS PERSONS AND LEADERS, STATEWIDE APPROPRIATELY ON 09-25-57 AND COOPERATE IN CASTING DAILY AND REPORT HAS BEEN PLACED IN DEPT. ON DEFERRED DUE TO COMPLEXITY OF CASE.

From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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**Social Security Administration
Retirement, Survivors and Disability Insurance
Notice of Award**

Office of Central Operations
1500 Woodlawn Drive
Baltimore, Maryland 21241-1500
Date: September 2, 2003
Claim Number: 546-25-4246HA

003 MCS/PTJ/AA/TIP/09/101
DUNCAN J MCNEIL III
PO BOX 2906
SPOKANE, WA 99220-2906

9909/0904 02 0/0 0.534

|||||

You are entitled to monthly disability benefits beginning May 2003.

The Date You Became Disabled

We found that you became disabled under our rules on November 5, 2002. This is different from the date given on the application.

Also, you have to be disabled for 5 full calendar months in a row before you can be entitled to benefits. For these reasons, your first month of entitlement to benefits is May 2003.

What We Will Pay And When

- You will receive \$3,080.00 around September 8, 2003.
- This is the money you are due for May 2003 through August 2003.
- Your next payment of \$770.00, which is for September 2003, will be received on or about the third Wednesday of October 2003.
- After that you will receive \$770.00 on or about the third Wednesday of each month.
- These and any future payments will go to the financial institution you selected. Please let us know if you change your mailing address, so we can send you letters directly.

The day we make payments on this record is based on your date of birth.

Enclosure(s):
Pub 05-10153
Pub 05-10058

See Next Page

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From: Duncan J. McNell To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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546-25-4246HA

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Other Social Security Benefits

The benefit described in this letter is the only one you can receive from Social Security. If you think that you might qualify for another kind of Social Security benefit in the future, you will have to file another application.

Your Responsibilities

The decisions we made on your claim are based on information you gave us. If this information changes, it could affect your benefits. For this reason, it is important that you report changes to us right away.

We have enclosed a pamphlet, "When You Get Social Security Disability Benefits...What You Need To Know." It will tell you what must be reported and how to report. Please be sure to read the parts of the pamphlet which explain what to do if you go to work or if your health improves.

A provider of employment or vocational rehabilitation services may contact you about getting help to go to work. The provider may be a State vocational rehabilitation agency or a provider under contract with the Social Security Administration.

If you go to work, special rules allow us to continue your cash payments and health care coverage. For more information about how work and earnings affect disability benefits, call or visit any Social Security office and ask for the following publications:

- Social Security - Working While Disabled...How We Can Help (SSA Publication No. 05-10095).
- Social Security - If You Are Blind--How We Can Help (SSA Publication No. 05-10052).

Do You Disagree With The Decision?

If you disagree with this decision, you have the right to appeal. We will review your case and consider any new facts you have. A person who did not make the first decision will decide your case. We will correct any mistakes. We will review those parts of the decision which you believe are wrong and will look at any new facts you have. We may also review those parts which you believe are correct and may make them unfavorable or less favorable to you.

- You have 60 days to ask for an appeal.
- The 60 days start the day after you get this letter. We assume you got this letter 5 days after the date on it unless you show us that you did not get it within the 5-day period.
- You must have a good reason for waiting more than 60 days to ask for an appeal.
- You have to ask for an appeal in writing. We will ask you to sign a Form SSA-561-U2, called "Request for Reconsideration". Contact one of our offices if you want help.

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From: Duncan J. McNell To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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546-25-4246HA

Page 3 of 3

Please read the enclosed pamphlet, "Your Right to Question the Decision Made on Your Social Security Claim". It contains more information about the appeal.

Things To Remember For The Future

Doctors and other trained staff decided that you are disabled under our rules. But, this decision must be reviewed at least once every 3 years. We will send you a letter before we start the review. Based on that review, your benefits will continue if you are still disabled, but will end if you are no longer disabled.

If You Want Help With Your Appeal

You can have a friend, lawyer or someone else help you. There are groups that can help you find a lawyer or give you free legal services if you qualify. There are also lawyers who do not charge unless you win your appeal. Your local Social Security office has a list of groups that can help you with your appeal.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it. And if you hire a lawyer, we will withhold up to 25 percent of any past due benefits to pay toward the fee.

If You Have Any Questions

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-509-353-2591. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
SUITE A
811 E SPRAGUE AVE
SPOKANE, WA 99202

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

Jo Anne B. Barnhart

Jo Anne B. Barnhart
Commissioner
of Social Security

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From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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Sent By: LINOLEUM AND CARPET CITY;
To: ESG EFAX At: 92713775

5093269438;

Dec-3-03 1:48PM;

Page 1/2

Social Security Administration
Retirement, Survivors, and Disability Insurance
Important Information

M7

Office of Central
Operations
1500 Woodlawn Drive
Baltimore, Maryland 21241-1500
Date: November 30, 2003
Claim Number: 546-25-4246 HA

Duncan McNeil III
PO Box 2906
Spokane WA 99220

We are writing to you about court order number IN4871523.

In an earlier letter, we told you that we might have to take money out of your Social Security payments to satisfy the court order. Washington State Support Registry has ordered us to take money out to collect child support and/or alimony. Therefore, we will reduce the monthly payments beginning November 2003.

What We Will Take Out

We will take out \$385.00 from each monthly payment to collect what you owe. ~~You will receive a check for \$385.00 each month beginning with the check you receive around December 3, 2003.~~

If You Disagree With The Decision

If you disagree with the decision of Washington State Support Registry, you will need to contact them directly, or have a lawyer do this for you. They can be contacted at:

Washington State Support Registry
PO Box 45868
Olympia WA 98504

If You Have Any Questions

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-509-353-2591. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778.

SEE NEXT PAGE.

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From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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Sent By: LINOLEUM AND CARPET CITY;

5093269438;

Dec-8-03 1:48PM;

Page 2/2

546-25-4246 HA

Page 2

You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
SUITE A
811 E SPRAGUE AVE
SPOKANE, WA 99202

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.



W. Burnell Hurt
Associate Commissioner for
Central Operations

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~~PG 13 OF 20~~

From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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Msg 07 03 01:50p

From: Duncan J. McNeil 509-271-3776 To: MD Dr. Charles W. Laudendach

Date: 11/7/2003 Time: 10:40:20 AM

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Date 08 09 08:34p

p. 2



400 East Fifth Avenue, P.O. Box 3449
Spokane, WA 99208-3549
Phone: (509) 434-2531 / 434-774-1049
Fax: (509) 434-1277
www.rockwoodclinic.com

September 22, 2003

Duncan J McNeil III
P.O. Box 2906
Spokane, WA 99220-2906

RE:
MCNEIL, DUNCAN III J
1571942
DOB: 03/14/1957

SPINAL DEBRIDING
Dermatological Center
Medical Laser Facility
Endodontic Clinic
Acute Care Clinic / Elderly Homecare
Rockwood Clinic Eye Center
Rockwood Clinic Geriatrics/Wound
Rockwood Clinic Home Health
Rockwood Clinic Injury
Rockwood Clinic Medical Radiology
Rockwood Clinic Physical Therapy
Rockwood Clinic Podiatry
Rockwood Clinic Radiology
Rockwood Clinic Surgery

TO WHOM IT MAY CONCERN:

Mr. McNeil is a patient whom I have seen since January of 2001. Mr. McNeil, unfortunately has a medical condition resulting in his inability to appear in court. I would appreciate it if this can be taken into consideration and possibly a telephone appearance could be allowed in this case.

Thank you for your consideration.

Sincerely,

C. Laudendach MD
Charles Laudendach, MD
Internal Medicine

408/J:1351822/D:1481896/CL:10
O: 09/22/2003 17:57:38
T: 09/24/2003 08:15:48

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Our internal Rockwood Clinic is a physician owned, multi-specialty medical practice. Our focus is on the care of patients and efforts to deliver the highest quality of care possible. We strive to provide a high quality and affordable medical care. Our services include: internal medicine, family medicine, pediatrics, obstetrics & gynecology, surgery, radiology, and more.

From: Duncan J. McNeill To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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Sent By: LINCOLN AND CARPET CITY;
To: ESG EFAX At: 92712775

5082269438;

9ep-5-03 3:38PM;

Page 1/1

Ronald M. Klein, Ph.D.
Behavioral Medicine Service
601 West Main Avenue, Suite 1011
Spokane, WA 99201 (509) 838-1285

09/02/2003

Division of Disability Determination

Spokane, WA

re: Duncan McNeill

DOB: 3/14/1957

Dear Sir/Madam:

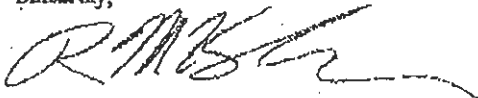
Mr. McNeill was a patient of mine three years ago. With his consent, I am providing you with the following information. His dates of service were:

11-14-00; 11-21-00; 11-28-00; 12-5-00; and 12-29-00.

He had been referred by his physician Dr. Creel at Rockwood Clinic. After my initial evaluation of him on 11-14-00, I diagnosed Mr. McNeill with [REDACTED]

[REDACTED] He appeared to be reacting to a newspaper story published at that time about his ongoing legal dispute with well known public officials. Mr. McNeill felt he had been characterized in that story in a grossly unfair manner. He was also being treated by his physician for ongoing [REDACTED] and was being medicated for that. I provided [REDACTED] to Mr. McNeill during those sessions and also made recommendations to his physician regarding use of [REDACTED]. I have not seen him clinically since 12-29-00. I did have a recent phone conversation with him during which he informed me that his symptoms have continued on since that time and that your agency has found him to be disabled. It is my understanding that Mr. McNeill has undergone [REDACTED] with other practitioners over these past 3 years.

Sincerely,



Ronald M. Klein, Ph.D.
Behavioral Medicine Service

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From: Duncan J. McNeil To: James R. Larsen

Date: 7/30/2004 Time: 4:02:18 PM

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2004/JUL/14/WED 01:36 PM CHAS MAPLE

FAX No. 1-509-444-7807

P. 001/001



Community Health Association of Spokane

07/13/2004

RE: DJ McNeil

To Whom It may Concern:

Mr. McNeil has been diagnosed with colitis. He was last seen in clinic 05/24/04. He phoned the clinic 07/08/04 and stated he was having a flare of colitis. He phoned the clinic again today asking for a letter stating that he is having a flare of colitis, is bedridden, and is unable to appear in court on 07/14/04. Since the patient has not been seen in this clinic since May 24 of this year, I cannot verify his current health status relative to his colitis; nonetheless, he requested a letter to inform the court of the foregoing.

Thank you for your consideration.

Sincerely,

Bill Lawson

Bill Lawson, PA-C

CC: Patient file

Maple CHAS Clinic
3919 North Maple Street
Spokane, WA 99205
(509) 444-7804

DT CHAS Clinic
1001 W 2nd Ave.
Spokane, WA 99201
(509) 838-1205

Valley CHAS Clinic
9227 E. Main St.
Spokane, WA 99206
(509) 444-8200

NE CHAS Clinic
4001 N. Coak St
Spokane, WA 99207
(509) 487-1804

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COMMUNITY
HEALTH
ASSOCIATION
OF SPOKANE

Community Health Association of Spokane

09/03/2004

RE: Dj McNeil

To: Whom It May Concern

This person has anxiety and is on treatment for it. He may do better to have telephone appearances for his court hearings.

Sincerely,

Alisa M. Hideg, MD

CC: Patient file

Maple CHAS Clinic
3919 North Maple Street
Spokane, WA 99205
(509) 444-7801

DT CHAS Clinic
1001 W 2nd Ave.
Spokane, WA 99201
(509) 835-1205

Valley CHAS Clinic
9227 E. Main St.
Spokane, WA 99206
(509) 444-8200

NE CHAS Clinic
4001 N. Cook St.
Spokane, WA 99207
(509) 487-1604

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Community Health Association of Spokane

3919 North Maple St.
Spokane, WA 99205
(509) 444-7801

9227 E. Main St
Spokane, WA 99206
(509) 444-8200

1001 W. 2nd
Spokane, WA 99201
(509) 835-1205

4001 N. Cook St
Spokane, WA 99207
(509) 487-1604

Encounter Date: 09/03/2004 Provider: Alisa Hideg MD
Patient Name: McNeil, Dj Date of Birth: 03/14/1957

Pt. here for Follow-up OV.

47 Years old, male Pt. here for Follow-up OV.

CHIEF COMPLAINT

1. **Colitis (follow-up)** Comments: Pt states that he is having a flare up of his colitis again. Pt feels he is having burning w/ urination and stools passing. Pt has not had much blood in his stool for 6 weeks. He had bleeding for approximately 6 days in his emesis and stools at that time 6 weeks ago. Nauseated x two and 1/2 weeks now.

2. **Anxiety (follow-up)** Comments: He denies caffeine use. Pt is going to court re: charges against him - not specific. Has friend who is here w/ him. Pt wants medication to use when anxious about going outside

CHRONIC CONDITIONS

1. ASTHMA.
2. Anxiety state NOS.

CURRENT MEDICATIONS

<u>Brand Name</u>	<u>Dose</u> <u>Note</u>	<u>Route Desc</u>	<u>Sig Desc</u>
Prevacid daily (PT ASSISTANCE)	30mg	Oral	Take one capsule by mouth
Advair Diskus twice daily	100/50	Inhalation	Inhale 1 puff into your lungs
Celebrex	200mg	Oral	one tablet by mouth daily
Albuterol	90mcg	Inhalation	
Flovent	110mcg	Inhalation	
Prilosec	20mg	Oral	

ALLERGIESDescriptionReaction:

No Known Drug Allergies

Nurse/MA Comments:

Allergy List Confirmed. Medications Confirmed. Immunizations Confirmed.
Immunizations Up-to-Date

Physical Examination:Vital Signs:

Height: 72.00 inches. (182.88 cm), Weight: 216.00 lbs. (98.18 kgs). BMI = 29.32;

Temperature: 97.00 F. (36.11 C) Respirations: 16

170/120 Right arm sitting. (used Regular Adult cuff).

Pulse rate is 84 per minute, regular.

Orthostatic B/Ps: L arm supine, B/P is 160/100; Pulse L arm supine is 84 beats/minute.

Constitutional:

McNeil, Dj

Alisa Hideg MD

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No acute distress. Well nourished.
Appearance: disheveled.

Abdomen: Abdomen soft, non-tender, non-distended; normal bowel tones; no hepatosplenomegaly. No palpable mass; no CVA tenderness.

P.H.Q.

1. Feeling down, depressed or hopeless?
Nearly every day.
2. Little interest or pleasure in doing things.
Not at all.
3. Trouble falling asleep or sleeping too much
Nearly every day.
4. Feeling tired or having little energy
Nearly every day.
5. Poor appetite or overeating
Nearly every day.
6. Feeling bad about yourself--or that you are a failure or have let yourself or your family down.
Nearly every day.
7. Trouble concentrating on things, such as reading the newspaper or watching television.
Nearly every day.
8. Moving or speaking so slowly that other people could have noticed? Or the opposite--being so fidgety or restless that you have been moving around a lot more than usual?
Nearly every day.
9. Thoughts that you would be better off dead, or of hurting yourself in some way?
Not at all.
10. If you are experiencing any of these problems, how difficult have these problems made it for you to do your work, take care of things at home or get along with other people?
Extremely difficult.
11. If these problems have caused you difficulty, have they caused you difficulty for two years or more?
Yes, I have had difficulty with these problems for 2 years or more.

How many days in the last two weeks have you missed doing things because you are depressed?
14 Day(s)

Depression symptom score is 0;
Severity score is 21; **Severe Depression.**

* **Client has significant functionality impairment.**
Consider DX of Dysthymia.
Client is in CHAPPY Registry.
Next PHQ due in 4-8 weeks, (10/01/2004).

In-House labs:

Urine Dipstick values:

Spec gravity: 1.015; Ph: 5; Leukocytes: negative; Nitrites: negative; Protein: negative; Glucose: normal; Ketones: negative; Urobilinogen: normal; Bilirubin: negative;

Blood: negative;

Blood glucose: 96mg/dl.

ASSESSMENT / PLAN

McNeil, DJ

Alisa Hideg MD

1. Colitis, ulcerative NOS (Re: eval & TX of ICD-9 556.9).

- Start Asacol

F/U w/ GI

2. Panic disorder (Re: eval & TX of ICD-9 300.01).

Pt to increase zoloft dose

Use hydroxyzine prn

Medications ordered this visit: (Potential adverse drug reactions discussed.)

<u>Brand Name</u>	<u>Dose</u>	<u>Rx Refills</u>	<u>Rx Quantity</u>	<u>Sig Desc</u>
Asacol	400mg	0	30	one tablet by mouth three times dai
Metamucil		0	0	1 tbsp po BID
Zoloft	100mg	3	30	two tablets by mouth daily
Atarax	100mg	1	90	1/2 to 1 tab po q 4-6 hrs prn anxiety

MA/Nurse: Mark E. Brooks

Alisa Hideg MD

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"FOREIGN JUDGMENTS"

EXHIBIT "2"

AUTHENTICATION & REGISTRATION THEREOF:

- 1 a. NOTICE of Filing of "Assignment of Interests in Bankruptcy Court Judgments
- 2 Rendered in Another District, for the Benefit of Creditors, in aid of the Judgment,
- 3 and in the aid of the Enforcement and Execution Thereof", filed 3-22-02 in Misc Case
- 4 No 02-02, filed as Docket #535, on March 22, 2002, in Case No. 01-06073-W11,
- 5 USBC-ED-WA;
- 6 b. "Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or
- 7 Rejections of Plan; Combined With Notice Thereof", (hereinafter "Broadway
- 8 Disclosure Statement"), entered December 21, 1998, as Docket #112 in Case No. LA
- 9 98-18082-SB, USBC-CD-CA-LA;
- 10 c. "Order Approving 'Judgment Creditors' Second Amended Chapter 11 Plan",
- 11 (hereinafter "Broadway's First Plan w/Discharge"), entered March 19, 1999, in Case
- 12 No. LA 98-18082-SB, USBC-CD-CA-LA, as Docket #129, along with the Clerk's
- 13 Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service
- 14 on Counsel;
- 15 d. "Order Approving 'Judgment Creditors' Second Amended Chapter 11 Plan (As
- 16 Modified)", (hereinafter "Broadway's Second Plan"), entered June 16, 1999, in Case
- 17 No. LA 98-18082-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of
- 18 Judgment or Order and Certificate of Mailing and Proof of Service;
- 19 e. "Findings of Fact and Conclusions of Law in Support of Order Disallowing Claims of
- 20 John H. Smith and Robert Hayes", (hereinafter "Fraudulent Deed Findings"), entered
- 21 December 29, 1998, in Adversary Case No. AD-98-01685-SB, USBC-CD-CA-LA,
- 22 along with the Clerk's Notice of Entry of Judgment or Order and Certificate of
- 23 Mailing and Proof of Service;
- 24 f. "Judgment and Order Pursuant to Summary Judgment Motions", (hereinafter
- 25 "Fraudulent Deed Judgment"), entered December 29, 1998, in Adversary Case No.
- 26 AD 98-01685-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of
- 27 Judgment or Order and Certificate of Mailing and Proof of Service;
- 28 g. "Stipulated Order Re: Liability and Damages", entered October 30, 2000 in Case
- h. No. CS-97-435-RHW, USDC-ED-WA;
- i. Writ of Obedience #02-0001, issued May 31, 2002, in Spokane County Superior
- j. Court Case No. 02-2-02825-4; DOC# 14, FILED 10/21/04 [ⓐ]
- k. Writ of Obedience #02-0002, issued June 6, 2002, in Case No. 02-2-02825-4; DOC# 15 [ⓐ]
- l. Writ of Obedience #02-0003, issued June 7, 2002, in Case No. 02-2-02825-4; DOC# 16 [ⓐ]
- m. Writ of Obedience #02-0004, issued June 12, 2002, in Case No. 02-2-02825-4; DOC# 17 [ⓐ]
- n. Writ of Obedience #02-0005, issued July 18, 2002, in Case No. 02-2-02825-4; DOC# 18 [ⓐ]
- o. ORDER denying relief from stay Re: Item # 41, with Notice of Entry, filed 1/11/2000
- p. as Docket #137, incorporating therein "Opposition Re: Item # 41, to motions to lift
- q. stay: opposition to motion to annul stay, filed 12/9/1999, as Docket #94", and
- r. incorporating "Opposition Re: Item # 57, to motion to lift stay and to motion to
- s. annul, filed 12/10/1999, as Docket #95", all filed in Case No. LA 99-39555-SB,
- t. USBC-CD-CA-LA;
- u. BAP/USDC appeal judgment - the Bankruptcy Court judgment is AFFIRMED. BAP
- v. #CC-00-1049 RE: Item #154, filed 1/16/2001, as Docket #359, Case No. LA
- w. 99-39555-SB, USBC-CD-CA-LA;
- x. ORDER Granting Debtors Motion to Strike Liens, filed 9/15/1998, as Docket #199,
- y. in Case No. 96-02980-K11, USBC-ED-WA;
- z. NOTICE of Filing of "Request to Clerk for Registration of Judgment Rendered in
- aa. Another Court, filed 3-21-02 as Misc Case No. 02-01 (02-01731 DJM \$), filed
- ab. 3/27/2002, as Docket #536, Case No. 01-06073-W11, USBC-ED-WA;
- ac. EXHIBIT I Admitted at hearing on 12-5-01; re: Amendment to Settlement
- ad. Agreement and Mutual Release and Personal Services Contract Effective 5-24-01
- ae. between Duncan J McNeil and Broadway Buildings II L.P. Re: Oust Motin to
- af. Convert Case to Ch 7, Docket #44 & Joinder therein Docket #212, as Docket #459,
- ag. Case No. 01-06073-W11, USBC-ED-WA;

ⓐ DOCT#S REFER TO "PACER" DOCKET NUMBERS FOR CASE NO:

2:04-CV-00427-AAM; USDC

EASTERN DISTRICT
OF WASHINGTON

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"FOREIGN JUDGMENTS" Ex. 2 (PG 2 OF 2)

EXHIBIT J Admitted at hearing on 12-5-01; Re: Amendment to Settlement Agreement and Mutual Release and Personal Services Contract, effective 8-17-01 between Duncan J McNeil, GMFL Reorganization Corporation, and Broadway Buildings II LP RE: Oust Motion to Convert Case to Ch 7, Docket #44 and Joinder therein Docket #212, filed 1/4/2002, as Docket #460, Case No. 01-06073-W11, USBC-ED-WA;

s. PROPOSED Exhibit "D-D" to Supplement Exhibits offered at hearing on 12-5-01; RE: 1) Standard Form 95 Claim for Damages filed by Duncan J McNeil 11-23-99 with the Oust-Ed-WA, in the Sum of \$5211.926, filed 2/6/2002, as Docket #'s 506, 506A, Case No. 01-06073-W11, USBC-ED-WA;

t. PROPOSED Exhibit "I-I" to Supplement Exhibits offered at hearing on 12-5-01; re: 1) Standard Form 95 Claim for Damages filed by Duncan J McNeil on 3-6-98 with the Oust-Ed-WA, in the sum of \$4,651,000. Re: Oust Motion to Convert Case to Ch 7, Docket #44 and Joinder therein Docket #212, filed 2/11/2002, as Docket #512, Case No. 01-06073-W11, USBC-ED-WA;

u. (1) NOTICE of Separation Contract & Dissolution of Marriage Contract Pursuant to RCW 26.09.070 filed 7-26-01 as Document #4613783 with the County Recorder for Spokane County, Washington, (pages 1 of 29 to 29 of 29); (2) JOINT Petition for Dissolution of Marriage, filed 7-26-01 in Case No. 01-301586-7 (pages 2 of 29 to 5 of 29); 3) SEPARATION Contract and Dissolution of Marriage Contract Pursuant to RCW 26.09.070, filed 7-26-01 in Case No. 01-301586-7, (pages 6 of 29 to 29 of 29), filed 2/6/2002, as Docket #505, Case No. 01-06073-W11, USBC-ED-WA;

v. ~~Case No. 01-06073-W11, entered 12/5/01 in Spokane County Superior Court~~ except those portions of the decree that were entered in violation of law, and in violation of the Complainant's civil and constitutional rights, as a parent.

AUTHENTICATION & REGISTRATION OF JUDGMENTS

I, DUNCAN J. MCNEIL, III, AM THE LAWFUL OWNER OF THE FOREGOING LISTED "FOREIGN JUDGMENTS" AND I HEREBY CERTIFY THAT TRUE AND CORRECT COPIES OF THESE "FOREIGN JUDGMENTS" ARE ON FILE IN THE IDENTIFIED ACTIONS AND DOCKET #'S AND THAT THESE "FOREIGN JUDGMENTS" ARE OFFICIALLY PUBLISHED ON THE COURT'S "PACER" SYSTEM, PURSUANT TO FRCP 44(c)(1) AND FRE RULE 201(d)(2) AND ARE THE "OFFICIAL PUBLICATIONS THEREOF". BY THIS MOTION/PETITION/ APPLICATION I REQUEST THAT THE CLERK OF THE COURT PRINT, FILE AND REGISTER THESE "FOREIGN JUDGMENTS" FROM THE COURT'S "PACER" SYSTEM AND THAT THESE "FOREIGN JUDGMENTS" BE GRANTED FULL FAITH & CREDIT IN THIS COURT PURSUANT TO 28 USC § 1738, 28 USC § 1732 AND U.S. CONST. ART. IV § 1 (AND THE APPLICABLE STATE UEFJA). I DECLARE THE FOREGOING TO BE TRUE AND CORRECT UNDER THE PENALTY OF PERJURY.

DATED: ~~10/10/06~~ 4/13/06

JUDGMENT CREATOR

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JUL 24 2004 PM

DUNCAN J. McNEIL
SPOKANE CO. JAIL
1100 W. MARCON
SPOKANE, WA 99260



132

CLERK

U.S. DISTRICT COURT

844 KING STREET

LOCK BOX 18

WILMINGTON, DE 19801-

3570

U.S.M.S.
X-RAY

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LEGAL MAIL

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535



OCT 12 2004

DUNCAN J. MYER
SPOKANE CO. IDAH
1100 W. MARLON
SPOKANE, WA 99260

U.S.M.
X-R

CLERK

US DISTRICT

LOCK BOX 27

844 KING STREET

WILMINGTON, DE 19801

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